



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MICHAEL J. SULLIVAN

DIRECTOR

July 29, 1996  
AO-96-23

William M. Blanchard, III  
5 Burton Avenue  
Beverly, MA 01915

Re: Political activity by public employee seeking membership  
on state committee of political party

Dear Mr. Blanchard:

This letter is in response to your July 2 request for an  
advisory opinion.

You have stated that you are an economic planner for the  
Massachusetts Department of Food and Agriculture. You have asked  
several questions regarding the extent to which you may, consistent  
with M.G.L. c. 55, the campaign finance law, become involved in  
political activities in connection with your candidacy for  
membership on the Republican State Committee.

Section 13 of M.G.L. c. 55 states that persons employed for  
compensation by the commonwealth or any county, city or town, i.e.  
public employees, may not directly or indirectly solicit or receive  
contributions "for any political purpose whatever." A person  
seeking membership in the state committee of a political party is  
not seeking "public office" and is therefore not required to file  
disclosure forms with this office. See AO-95-43. You do not hold  
public office and you are not seeking election to such office.  
Since seeking membership in the state committee of a political party  
is a "political purpose," however, section 13 requires you to have  
other persons raise funds for this purpose on your behalf.

Your letter contains a number of questions. I will answer each  
question separately.

1. Does my soliciting individuals to form a political committee on  
my behalf violate section 13?

No. Although the campaign finance law prohibits a public  
employee from raising funds for any political purpose, a public  
employee must have a committee organized on the employee's behalf if  
he intends to raise funds for such purposes.<sup>1</sup> See AO-92-11 and  
AO-89-09. Section 13 prohibits your indirect or direct solicitation

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<sup>1</sup> Because you seek election to party office, rather than  
public elected office, your committee would not be considered a  
"political committee" and funds received by your committee would not  
be considered "contributions" as those terms are defined by the  
campaign finance law. See M.G.L. c. 55, s. 1.

of "any gift, payment, contribution, . . . or other thing of value" for any political purpose. Actions you take to initially organize a committee do not, however, constitute such solicitation.

2. Since the office I seek is in a private organization (Republican Party) what is the procedure for forming a committee?

The campaign finance law does not specify what procedures you might use to form a committee. Therefore, whatever procedures you may choose to use would be consistent with the campaign finance law. You should contact the Republican State Committee, at (617) 725-1994, for guidance.

3. Since the office I seek is in a private organization (Republican Party) which agencies, organizations, or individuals do I need to notify of the formation of a committee?

Again, although you may wish to notify the Republican State Committee of your committee's formation, the campaign finance law does not require you to notify any agency, organization or individual.

Please note that organizations may not use the name of a political party in circulars, advertisements or publications, without the written consent of the state committee representing such political party. See M.G.L. c. 56, s. 40. Therefore, you should contact the Massachusetts Republican State Committee if you would like to use the word "Republican" in your committee's name.

4. What are the reporting requirements for contributions raised and expended?

There are none mandated by the campaign finance law.

5. Which agencies, organizations, or individuals does the committee need to notify of contributions raised and expended?

There are none of which this office is aware.

6. Are there any restrictions on the use of the contributions?

Yes, if you should decide to run for elected public office or become a "candidate" in accordance with chapter 55 you would not be able to use the funds in connection with your campaign for any elected public office you may seek.<sup>2</sup>

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<sup>2</sup> Any person who seeks nomination or election to public office or who acts in accordance with clauses (1), (2) or (3) of the definition of the term "candidate" in M.G.L. c. 55, s. 1 must report any "receipt . . . of money . . . for any fundraising activity. . . held on behalf of said individual . . . regardless of the purpose of said activity" to this office or the appropriate local election official. M.G.L. c. 55, s. 1 (emphasis added). Therefore, any funds raised by such persons must be disclosed on campaign finance reports pursuant to M.G.L. c. 55, s. 18, and the use of such funds would be subject to all restrictions imposed by the campaign finance law, even if the funds were raised in connection with an effort to become a member of a political party committee.

William M. Blanchard, III  
July 29, 1996  
Page 3

This opinion has been rendered solely on the basis of representations made in your letter, and solely in the context of M.G.L. c. 55. Therefore, you may wish to contact the Ethics Commission, at (617) 727-0060, to ensure that your activities are also consistent with the Conflict of Interest Law, M.G.L. c. 268A and c. 268B.

Please do not hesitate to contact this office should you have additional questions about this or any other campaign finance matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael J. Sullivan".

Michael J. Sullivan  
Director

MJS/cp